

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	No. 1:01-CR-110
v.)	
)	Judge Curtis L. Collier
)	
PAULA CROUCH,)	
)	
Defendant.)	

MEMORANDUM & ORDER

Defendant Paula Crouch (“Defendant”) has filed two *pro se* motions to reduce her sentence pursuant to Fed. R. Crim. P. 35(b) (Court File Nos. 20, 22). The Government has not filed such a motion. For the reasons stated below, the Court will **DENY** Defendant’s motions to reduce her sentence pursuant to Rule 35.

In her first motion, Defendant argues she should receive a reduction in her sentence because after her sentencing she testified against an unnamed drug dealer, who was convicted, and an unnamed Assistant United States Attorney promised he would file a Rule 36(b) motion on her behalf (*see* Court File No. 20). In her second motion, Defendant states she testified against Victor Mendez, who was convicted with the assistance of her testimony. Defendant also attached to her second motion a letter from her attorney, Anthony Martinez, to Assistant United States Attorney Paul Laymon reminding Mr. Laymon of his stated intentions to file a Rule 35 motion for Defendant’s assistance (*see* Court File No. 22, Exh. 1).

The rule on which Defendant relies in her motions states in relevant part, “Upon the government’s motion made within one year of sentencing, the court may reduce a sentence if: (A)

the defendant, after sentencing, provided substantial assistance in investigating or prosecuting another person; and (B) reducing the sentence accords with the Sentencing Commission's guidelines and policy statements . . .” Fed. R. Crim. P. 35(b)(1). The Court would note the beginning of this section, which allows the Court to reduce a sentence only if the Government makes a motion. The Government has not made any such motion here, and Defendant has not presented any arguments or evidence as to any improper reasons for the Government's decision not to make such a motion.

Because the Government has not filed a motion, the Court cannot reduce Defendant's motion pursuant to Rule 35 and will **DENY** her motions to reduce her sentence pursuant to that rule (Court File Nos. 20, 22).

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE